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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/709,817 | 05/30/2004 | Chien-Jui Wang | ACMP0198USA | 3816 |
| 27765 | 7590 | 10/20/2005 | EXAMINER | |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116 | | | BRITTAINE, JAMES R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/709,817 | WANG ET AL. |
| | Examiner James R. Brittain | Art Unit 3677 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-5 and 7-16 is/are allowed.
- 6) Claim(s) 17 and 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zook (US 1624458) in view of Kise (US 4290215) and Mohun (US 1728433).

Zook (figures 1-9) teaches a rotating pin clasp comprising: a base member 4 including sides 5, 6, top 7 and lip extending outwardly parallel to the top that form a cavity on the surface defined by the outwardly facing edges of the sides 5, 6, top 7 and facing lip whereby the pin can be rotated so as to be hidden from view (page 1, lines 82-87). There is a rod 8 fixed in the cavity and carries sleeves 14, 15 acting as collars that respectively carry the pin-retaining member 19 and the hinge 17 of the pin 18. The difference is that the base member is reversed with a collar secured thereto and the rod rotatable in the collar and the rod having a recess to receive the collar wherein the recess has a diameter less than the diameter of a section of the rod adjacent the first recess. However, Kise (figure 1) teaches that it is desirable to secure a collar 7 to the base member 1 so as to receive a rod 5 of the pin rotatably and Mohun (figures 1, 4) teaches hinge structure with the rod 20 having two recesses 40 defining a rod diameter less than the diameter of the rod adjacent the recesses wherein two collars 33 are received in the recesses and performs the function of keeping the rod 20 in place as indicated on page 3, lines 7-23. It would have been obvious to modify the fastener of Zook so that there is a collar on the base member to rotatably

receive the rod of the pin in view of Kise teaching that it is desirable to provide such structure as a simpler connection as a matter of a reversal of parts and as to the collar being received in a recess in the rod, Mohun teaches that it is desirable to have the collar received in a recess of the rod so as to more readily maintain the position of the rod against axial movement, a beneficial result.

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zook (US 1624458) in view of Kise (US 4290215) and Mohun (US 1728433) as applied to claim 17 above, and further in view of Panzer (US 5245844).

Further modification of the fastener of Zook so that there would be two collars secured to the base member would have been obvious in view of Panzer (figure 1) teaching the use of spaced collars 26, 24 attached to the base 22 for receiving pin structure 34'. To further have the collars received within recesses wherein the recesses create a narrowing of the rod would have been obvious in view of Mohun explicitly showing such structure to be conventional since it helps to retain the rod from moving axially as indicated above.

Allowable Subject Matter

Claims 1-5 and 7-16 are allowed.

Response to Arguments

Applicant has provided new claim 17 based on claim 1 that further narrows the meaning of the term recess and is therefore viewed as a narrowing of the previous language of claim 1 and to also seek to avoid the use of Official Notice given in the last office action. The use of hinge structure with two recesses in the rod that receive two collars is known, is old and as shown by

Mohun to have been utilized for the expected property of inhibiting axial movement of the rod out of the hinge.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

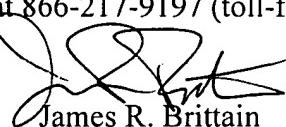
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB